

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SARAH MATTHEWS and JEFFREY MATTHEWS,  
Individually, and as Parents and Natural Guardians of  
M.M. 1, an infant under the age of 18 years and M.M.  
2, an infant under the age of 18 years,

Plaintiffs,

v.

BRUNSWICK CORPORATION d/b/a MERCURY  
MARINE, by and through its Agents, Officers, and/or  
Employees,

Defendant.

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BRUNSWICK CORPORATION d/b/a MERCURY  
MARINE, by and through its Agents, Officers, and/or  
Employees,

Defendant/  
Third-Party Plaintiff,

v.

DAVID YOULEN,

Third-Party Defendant.

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The Third-Party Defendant, David Youlen, by and through his attorneys, Sugarman Law Firm, LLP, answering the Third-Party Complaint alleges:

1. ADMITS the allegations contained in paragraphs 1, 8, 9, 10, and 26.
2. DENIES knowledge and information sufficient to form a belief as to the allegations contained in paragraphs 2, 3, 4, 7, 11, 27, and 30.

**ANSWER TO THIRD-PARTY  
COMPLAINT**  
**Case No. 6:24-CV-0202  
(DNY/TWD)**

3. DENIES the allegations contained in paragraphs 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 28, 31, 32, 33, 34, 35, 36, 37, 38, and 39.

4. With respect to paragraphs 22 and 29, Third-Party Defendant repeats, reiterates, and realleges each and every admission and denial heretofore made with the same force and effect as if more fully set forth herein.

5. DENIES each and every other allegation not hereinbefore specifically admitted, controverted or denied.

**AS AND FOR A FIRST AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

6. That the court has no jurisdiction of the person of the Third-Party Defendant.

**AS AND FOR A SECOND AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

7. That whatever injuries the Plaintiffs and/or Third-Party Plaintiff sustained were caused or were contributed to by the culpable conduct of the Plaintiffs and/or Third-Party Plaintiff.

**AS AND FOR A THIRD AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

8. That the accident and injuries complained of in the Third-Party Plaintiff's Complaint were caused or brought about by the negligence of a third person or persons over whom the Third-Party Defendant herein had no control and for whose acts this Third-Party Defendant is in no way responsible.

**AS AND FOR A FOURTH AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

9. Plaintiffs and/or Third-Party Plaintiff have failed to take all reasonable and necessary steps to mitigate their damages.

**AS AND FOR A FIFTH AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

10. The Third-Party Defendant owed no duty so as to make him liable in this action

**AS AND FOR A SIXTH AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

11. That the Third-Party Plaintiff has failed to join necessary or indispensable party.

**AS AND FOR A SEVENTH AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

12. That the Third-Party Complaint fails to state a cause of action upon which relief may be properly granted.

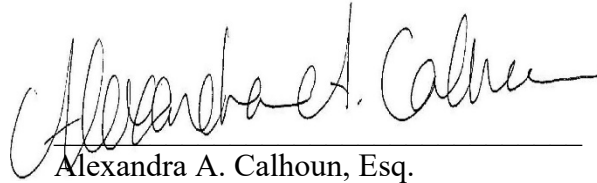
**AS AND FOR AN EIGHTH AFFIRMATIVE  
DEFENSE, THE THIRD-PARTY DEFENDANT  
ALLEGES:**

13. That the cause of action in the Third-Party Complaint is barred by the applicable statute of limitations.

WHEREFORE, the Third-Party Defendant demands judgment dismissing the Third-Party Complaint and the costs and disbursements of this action.

**THIRD-PARTY DEFENDANT DEMANDS A JURY TRIAL.**

Dated: November 7, 2024



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